

Thomas M Bradshaw, P C
tbradshaw@armstrongteasdale.com

MISSOURI | KANSAS | ILLINOIS | WASHINGTON, DC | NEW YORK, NY | SHANGHAI | SYDNEY | ATTORNEYS AT LAW

December 15, 2004

VIA FACSIMILE (202) 219-3923

FEDERAL ELECTION COMMISSION
Attn. Ms. Elena Paoli
999 E. Street, N.W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 DEC 17 P 1:35

Re: Carl M. Koupal, Jr.
MUR 5573

Dear Ms Paoli:

Enclosed please find an Affidavit of our client Carl M. Koupal, Jr. submitted in response to the investigative documents of the Commission. The Affidavit addresses Mr. Koupal's recollection of the events described in the materials provided to us with respect to the above referenced Matter Under Review. As you may know, Mr. Koupal has not been employed by Westar since October 2001. Therefore he did not have access to its records. As a result, we have not been able to unearth evidence to disprove certain allegations made in your report, but, more importantly, have not discovered evidence that supports them. For instance, significant efforts have been made to determine the circumstances surrounding the purported bundled contributions on or about June 15, 2001. It now appears that those contributions were made during a visit to the Westar offices by Pat Roberts on June 1, 2001. As the enclosed affidavit makes clear, Mr. Koupal does not recall any effort to coordinate contributions at Westar on or about that date.

We feel that those allegations not supported by any evidence should not form the basis of any complaint against Mr. Koupal.

I trust that following your review of the enclosed Affidavit you will appreciate the fact that our client had no intention of violating any applicable statute or regulation. The events described in MUR 5573 were isolated and not in the ordinary course of business for Mr. Koupal. As far as Mr. Koupal is concerned, the September 2000 activities were unique and performed without any knowledge such activity was in violation of applicable regulations.

I hope you agree that the facts, or the lack thereof, as they relate to Mr. Koupal combined with his lack of intent to violate applicable laws warrants lenient treatment of Mr. Koupal. Mr. Koupal remains hopeful that this investigation can be resolved prior to any probable cause

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hearing. Please call if you have any questions or concerns. Thank you for your consideration of the enclosed material. I look forward to hearing from you.

Very truly yours,

Thomas M. Bradshaw

TMB/mmb
Encl.

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- 6. To the best of my knowledge, during my employment with Westar there was no other instance where individual contributions to political candidates were discussed, organized or otherwise managed through the company.
- 7. Contrary to the Commission's assertion that until my departure from the Company I had "...primary responsibility for...collecting contribution checks, and sending the checks to recipient committees," it was not my responsibility, nor my habit, to collect and forward contributions made by individual executives. With the exception of
I am not aware of any effort being made to bundle contributions.
- 8. I am not aware of any concerted effort on the part of any Westar employees to submit "bundled" contributions to Pat Roberts for Senate in June of 2001.
- 9. At times relevant to the Commission's factual inquiry I did not have any knowledge of the statutory and regulatory prohibitions relating to the relevant conduct and had no intention to break applicable laws and/or regulations.

Executed this 13th day of December, 2004.

FURTHER AFFIANT SAYETH NAUGHT.



Carl M. Koupal, Jr.

Subscribed and sworn to before me, a Notary Public, this 13th day of December, 2004.



Notary Public

My Commission expires:

